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House Bill _____
By _____

Senate No. SB0999
By Crowe

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to firearms and other weapons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (a)(1) and substituting instead the following:

(a)(1) A person commits an offense who carries with criminal intent a firearm, knife with a blade length exceeding four inches (4"), or a club.

SECTION 2. Tennessee Code Annotated, Section 39-17-1315, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) Any law enforcement officer, police officer, bonded and sworn deputy sheriff, director, commissioner or retired law enforcement officer who is bonded and who, at the time of receiving the written directive, has successfully completed and continues to successfully complete on an annual basis a firearm training program of at least eight (8) hours duration, full time employee of the Tennessee emergency management agency in the performance of the

employee's duty, or other officers or persons authorized to carry handguns by this, or any other law of this state, may carry such handguns at all times pursuant to a written directive by the executive supervisor of the organization to which the person is or was attached or employed, regardless of the person's regular duty hours or assignments; however, a copy of the written directive shall be retained as a portion of the records of the particular law enforcement agency which shall issue the directive. Nothing herein shall prevent federal officers from carrying firearms as prescribed by federal law.

(2) Any duly elected and sworn constable in any county having a population of not less than eleven thousand one hundred (11,100) nor more than eleven thousand two hundred (11,200) according to the 1970 federal census or any subsequent federal census, and being a county in which such constables retain law enforcement powers and duties under the provisions of §§ 8-10-108, 40-6-210, 55-8-152, 57-5-202 and 57-9-101, are authorized to and may carry handguns at all times and may equip their vehicles with blue and red lights and sirens. The sheriff of such county shall issue a written directive or permit authorizing such constables to carry a handgun provided each such constable has completed the same eight-hour annual firearm training program as is required by this subsection.

(3) The county commission may, by a two-thirds (2/3) vote, require any such constable to have in effect a liability policy or a corporate surety bond in an amount of not less than fifty thousand dollars (\$50,000).

(b)

(1)

(A) In addition to the above individuals authorized to carry firearms by this or any other law of this state, a person wishing to carry a firearm shall apply to the sheriff of the county of such person's principal

place of residence for a firearms carry permit. The sheriff shall issue such a permit and a written directive to persons not prohibited from purchasing firearms authorizing the person to carry a firearm; provided, that the person meets all the requirements of this section. The sheriff may, for good cause and in the reasonable exercise of discretion, deny a permit. Any party aggrieved under the terms of this subdivision, for either denial or revocation, may file a writ of mandamus, as provided by law. A copy of the written directive shall be retained as a portion of the records of the particular sheriff who shall issue the directive. The permit holder shall have the permit in the holder's immediate possession at all times when carrying a firearm and shall display the permit on demand of a law enforcement officer. The holder of any permit shall, within thirty (30) days, notify the sheriff in writing of the permittee's principal place of residence and of any change in the address of the principal place of residence of the permit holder. Any regulation of brand name, caliber, function of firearm, style of holster, or type of carry may only be specified by this section. A firearms carry permit issued under this section shall be valid for any firearms legally possessed by the permit holder. A firearms carry permit issued under this section is not a needs-based permit, and no applicant shall be required to show a need as a requirement for application.

(B) Upon applying for a firearm carry permit pursuant to this section, the applicant shall disclose to the sheriff whether the applicant has:

- (i) Ever been addicted to alcohol or drugs;
- (ii) Ever been hospitalized or treated for alcohol or drug addiction;

- (iii) Ever been adjudicated by a court as being mentally ill;
- (iv) Ever been hospitalized for mental illness; or
- (v) A physical infirmity that would prevent the safe operation of a firearm.

(C) If the sheriff determines, in the sheriff's sole discretion, that the applicant has not fully and accurately disclosed the information required by subdivision (b)(1)(B) or that the applicant has, in the sheriff's opinion, a history of instability or that the applicant, because of mental illness, alcohol or drug problems or physical infirmity, poses a likelihood of risk to the public, such sheriff shall deny the permit application. A sheriff may revoke a permit if it comes to the sheriff's attention that the permit holder no longer meets the requirements for initially obtaining such permit or that the permit holder has been hospitalized because of mental illness or alcohol or drug problems.

(D) It is a Class A misdemeanor for an applicant to knowingly provide false information of a material nature to the sheriff either on the application or in any other disclosure required to be made to the sheriff.

(2) Prior to the issuance of the written directive and firearms carry permit, the sheriff may conduct a background investigation of the applicant's record as required to purchase a handgun and shall issue the directive and permit within thirty (30) days if no disqualification is found, and may charge a reasonable fee for the investigation and other costs incurred under these provisions. The sheriff shall also require prior to the issuance of the directive and firearms carry permit the following training:

(A) A classroom review of the applicable provisions of law and the completion of a written exam demonstrating thorough knowledge of the laws applicable to the firearms carry permit; and

(B) Demonstrate competence with a firearm by any one (1) of the following:

(i) Completion of any hunter education or hunter safety course approved by the Tennessee wildlife resources agency;

(ii) Completion of any National Rifle Association firearms safety or training course;

(iii) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association or the department of safety; or

(iv) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

(v) Presenting evidence of equivalent experience with firearms through participation in organized shooting competition or military service;

(vi) Is licensed or has been licensed to carry a firearm in this state unless such license has been revoked for cause; or

(vii) Completion of any firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor.

A photocopy of a certification of completion of any of the courses or classes, an affidavit from the instructor, school, club organization, or group that conducted or taught said course or class attesting to the completion of the course by the

applicant, or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection. Further, prior to issuing the directive and permit, the sheriff shall require the person to have in effect a liability policy in the amount of not less than fifty thousand dollars (\$50,000) evidenced by a certificate of insurance made to the issuing sheriff. The insurance required must be for the specific purpose of carrying a firearm and must so state on the face of the policy. This requirement does not preclude insurance which by its nature provides coverage for this purpose as well as other general liability provisions. In lieu of liability insurance, the person may make a corporate surety bond in the amount of not less than fifty thousand dollars (\$50,000) for the above purpose, a copy of which must be provided to the sheriff by the bonding company. Regardless of whether the person uses a liability policy or a corporate surety bond, such person must submit to the sheriff proof of renewal of such policy or bond by the date the policy or bond will expire or lapse. For a liability policy or corporate surety bond to comply with the requirements of this section, such policy or bond must be specifically conditioned that such insurance company or corporate surety will pay any damages, up to the policy or bond limits, that may be adjudged against the permit holder as compensation for death or injury to the person or property of another that is proximately caused by the permit holder's negligent use of a firearm. The sheriff shall charge to the person to whom the directive and permit is issued a fee in such amount as will pay the expenses involved in the training of the person in the use of firearms, if the training is conducted by or at the expense of the county. The sheriff may allow the training to be conducted by others, with the results being certified in writing to the satisfaction of the sheriff. The provisions herein relative to investigation and training and insurance/bond may be waived by the sheriff in those cases where the person is already authorized to

carry firearms by the federal government or by the state government or a political subdivision of the state.

(3) The sheriff issuing the firearms carry permit to an applicant employed in the private sector whose job requires carrying firearms may further require compliance with rules and regulations set by the sheriff regarding uniforms to be worn by the party carrying the firearms as a prerequisite to issuing the written directive and permit, and may revoke the written directive and permit at such time as the sheriff finds that any of the rules and regulations under this section have been violated, including a violation of the qualification requirements, or for any other reason in the judgment of the sheriff which indicates the person's disqualification to continue in the deputy's capacity as a deputy sheriff. In any event, the directive and permit issued shall expire unless renewed within five (5) years from the date of issue by submitting a renewal request and passing the background check required to purchase a handgun. In any county having a metropolitan form of government, the chief of police is the chief law enforcement officer and has the authority to issue firearm carry permits. Notwithstanding this provision, the sheriff of a metropolitan county shall issue a firearm carry permit only to paid employees of the sheriff's department who are charged with certain responsibilities and to no other persons.

(c) Substantial compliance with the requirements of this section shall provide the issuing sheriff with immunity from civil liability in an action alleging liability for issuance of the directive or permit.

(d) A violation of this section is a Class C misdemeanor.

(e) The Tennessee sheriffs association is directed to promulgate a standardized form to be utilized under this section.

(f) A firearm carry permit issued pursuant to this section shall be valid in every county of the state.

(g)

(1) An individual, corporation or business entity is authorized to prohibit the possession of firearms by employees otherwise authorized by this subsection on premises owned, operated or managed by such individual, corporation or business entity. Notice of such prohibition thereunder shall be prominently posted.

(2) An individual, corporation, business entity or government entity or agent thereof is authorized to prohibit possession of firearms by any person otherwise authorized by this subsection, at meetings conducted by, or on premises owned, operated, managed or under control of such individual, corporation, business entity or government entity. Notice of such prohibition shall be prominently posted.

SECTION 3. Tennessee Code Annotated, Section 39-17-1305, is amended by deleting from subsection (a) the words "person to possess" and substituting instead the words "person not bearing a firearms carry permit to possess".

SECTION 4. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting subsection (a) and substituting instead the following:

(a) Notwithstanding whether a person has a permit issued pursuant to § 39-17-1315, it is an offense for a person to possess a firearm while consuming or while under the influence of alcohol or any controlled substance.

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

Licenses to carry weapons issued by other states shall be recognized according to the terms thereof but only while the holders are not residents of Tennessee.

SECTION 6. This act shall take effect July 1, 1995, the public welfare requiring it.